

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ELLIOT MAY,

Plaintiff,

17 **CIVIL** 6319 (KMK) (JCM)

-against-

**JUDGMENT**

THOMAS GRIFFIN, Superintendent,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated November 19, 2021, The Court, having conducted a thorough review of the remainder of the R&R, finds no error. The Court therefore adopts Judge McCarthy's Recommendation that the writ of habeas corpus be dismissed.

As Petitioner has not made a substantial showing of the denial of a constitutional right, a Certificate of Appealability shall not be issued, *see* 28 U.S.C. § 2253(c); *Lucidore v. N.Y. State Div. of Patrol*, 209 F.3d 107, 111–12 (2d Cir. 2000), and the Court further certifies, pursuant to 28 U.S.C.

§1915(a)(3), that an appeal from this judgment on the merits would not be taken in good faith, *see Coppedge v. United States*, 369 U.S. 438, 445 (1962) (“We consider a [petitioner's] good faith . . .

demonstrated when he seeks appellate review of any issue not frivolous.”); *Burda Media Inc. v.*

*Blumenberg*, 71 F. Supp. 2d 322–23 (S.D.N.Y. 2010) (citing *Coppedge* and noting that an appeal

may not be taken in forma pauperis if the trial court certifies in writing that it was not taken in good faith). Judgment is entered in favor of Respondent, and the case is closed.

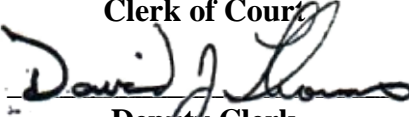
**Dated:** New York, New York  
November 19, 2021

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

  
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**Deputy Clerk**